

ORIGINAL

CC: DKW/RLP/TT

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

NOV 28 2018

at 1 o'clock and 36 min. P.M.
SUE BEITIA, CLERK

LWS

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Anthony Williams

Name and Prisoner/Booking Number

FDC Honolulu #05963-122

Place of Confinement

P.O. Box 30080

Mailing Address

Honolulu, HI 96820

City, State, Zip Code

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

Anthony Troy Williams

(Full Name of Plaintiff)

Case No. 1:18-CV-00336 DKW RLP

(To be supplied by the Clerk)

vs.

PRISONER CIVIL RIGHTS COMPLAINT

Hiromichi Kobayashi, Warden (1)

Ann Elizabeth Card, Assoc. Warden (2)

Kyle Olsen, Assoc. Warden (4)

Jeffrey Dixon, Captain (3)

(Full Names of Defendants; DO NOT USE et al.)

☐ Original Complaint☒ First Amended Complaint☐ Second Amended Complaint

A. JURISDICTION

1. Jurisdiction is invoked pursuant to:

a. ☒ 28 U.S.C. § 1343(a)(3); 42 U.S.C. § 1983b. ☒ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971)c. ☒ Other: (Please Specify) Common law

2. Plaintiff: Anthony Troy Williams

Institution/city where violation occurred: Honolulu, Hawaii

3. First Defendant *: Hiromichi Kobayashi

This defendant is a citizen of (state and county) Hawaii, Honolulu

and is employed as:

warden

at Federal Detention Center Honolulu

(Position and Title)

(Institution)

This defendant is sued in his/her ☒ individual ☒ official capacity (check one or both). Explain how

FSC mail to TT

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this defendant was acting under color of law:

Violated my religious rights by denying my minister visits with me4. Second Defendant: Annelizabeth CardThis defendant is a citizen of (state and county) HawaiiHonolulu, and is employed as:Associate warden at Federal Detention Center Honolulu

(Position and Title)

(Institution)

This defendant is sued in his/her ☒ individual ☒ official capacity (check one or both). Explain how this defendant was acting under color of law:she has prevented my legal mail from being mailed out and ordered my legal mail to be opened outside of my presence5. Third Defendant: Jeffrey DixonThis defendant is a citizen of (state and county) HawaiiHonolulu, and is employed as:Captain at Federal Detention Center Honolulu

(Position and Title)

(Institution)

This defendant is sued in his/her ☒ individual ☒ official capacity (check one or both). Explain how this defendant was acting under color of law:Has prevented or delayed my emails from being sent to my attorney, family and friends

(If you would like to name additional defendants, make a copy of this (blank) page and provide the necessary information.)

* A defendant may be named in an individual or official capacity, or both. To sue a defendant in their **individual capacity**, you must be able to state facts showing that the defendant was actually involved in violating your rights. A suit against a defendant in their **official capacity** is in reality a suit against the office or position the defendant holds. Only injunctive relief is available in an official capacity suit against a state official. This is because the **Eleventh Amendment** confers immunity upon the state or its officials against monetary damages resulting from federal court litigation.

"Color of law" refers to whether the person is a private party or an employee, official, or agent of a state, county, city, or the federal government. There can be no civil rights action under § 1983 unless the defendant was "acting under color of law." After the color of law requirement is met, then it must be determined in which capacity the defendant is being sued.

I am deprived of the right to have copies made so I have attached a copy of the original lawsuit which states in details what each defendant did. (See Exhibit 1)

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B. PREVIOUS LAWSUITS

1. Have you brought any other lawsuits while a prisoner: ☒ Yes ☐ No
2. If your answer is yes, how many?: 1 Describe the lawsuit in the spaces below.

3. First previous lawsuit:

- a. Plaintiff Anthony Williams
 Defendants Broward County Jail
- b. Court and Case Number (if federal court, identify the district; if state court, identify the county): State Court (Don't remember case number)
- c. Claims raised: unlawful solitary confinement, retaliation, Denial of Access to Court
- d. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?)
Voluntary dismissed
- e. Approximate date of filing lawsuit Sometime in 2016
- f. Approximate date of disposition Sometime in 2016

4. Second previous lawsuit:

- a. Plaintiff _____
 Defendants _____
- b. Court and Case Number (if federal court, identify the district; if state court, identify the county):

- c. Claims raised: _____
- d. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?)

- e. Approximate date of filing lawsuit _____
- f. Approximate date of disposition _____

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5. Third previous lawsuit:

- a. Plaintiff _____
Defendants _____
- b. Court and Case Number (if federal court, identify the district; if state court, identify the county):

- c. Claims raised: _____
- d. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?)

- e. Approximate date of filing lawsuit _____
- f. Approximate date of disposition _____

(If you have filed more than three lawsuits, make a copy of this (blank) page and provide the necessary information.)

6. Have you filed any actions in federal court that were dismissed because they were frivolous, malicious, or failed to state a claim upon which relief could be granted? ___ Yes ___ No.

If you have had three or more previous federal actions dismissed for any of the reasons stated above, you may not bring another civil action in forma pauperis unless you are under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

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C. CAUSE OF ACTION**COUNT I**

1. The following constitutional or other federal civil right has been violated by the Defendant(s):

First Amendment and federal right to have minister visits to exercise
my faith

2. Count I involves: (Check **only one**; if your claim involves more than one issue, each issue should be stated in a different count)

☐ Mail ☐ Access to the court ☐ Medical care
☐ Disciplinary proceedings ☐ Property ☒ Exercise of religion ☐ Retaliation
☐ Excessive force by an officer ☐ Threat to safety ☐ Other: _____

3. **Supporting Facts:** (State as briefly as possible the FACTS supporting Count I, without citing legal authority or arguments. Describe exactly what each Defendant did or did not do to violate your rights.)

My minister submitted her credentials as a minister which was
verified by the Chaplain and she previously passed a background check
as was allowed to visit me from December 2017 to February 2018 and
to retaliate against me the warden had her removed from visitation
without no reason given. Then she applied for special visitor as a
minister and was still denied for no reason.

4. **Injury:** (State how you have been injured by Defendant(s)' actions or inactions.)

I have no visitors and no spiritual connection with the outside
to practice my faith to sustain my spiritual health which is
vital for my mental and physical health.

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COUNT II

1. The following constitutional or other federal civil right has been violated by the Defendant(s):

The fourteenth Amendment for equal protection under the law

2. Count II involves: (Check **only one**; if your claim involves more than one issue, each issue should be stated in a different count)

☐ Mail ☐ Access to the court ☐ Medical care
☐ Disciplinary proceedings ☐ Property ☐ Exercise of religion ☒ Retaliation
☐ Excessive force by an officer ☐ Threat to safety ☐ Other: _____

3. **Supporting Facts:** (State as briefly as possible the FACTS supporting Count II, without citing legal authority or arguments. Describe exactly what each Defendant did or did not do to violate your rights.)

Officer Knopf notified me that Jeffrey Dixon is in charge of the
emails being sent and received. Since I took the FDC to court, Dixon
has continuously delayed my emails from being sent and delivered from
3 to 10 days when all other inmates send and receive emails
within hours of sending and receiving them. I've made numerous
complaints and Filed Admin Remedies to no avail. Judge Puglisi stated
that if this conduct continued after the hearing to notify him
which I have done.

4. **Injury:** (State how you have been injured by Defendant(s)' actions or inactions.)

My communication with my attorney, family and friends gets confused
because the emails aren't sent and received in a timely matter I have
missed motions being filed on time and confusion with family &
friends because messages are delayed so long that some of the
messages are obsolete or no longer the situation which causes
a lot of undue stress and mis understanding which could be
avoided if my messages were forwarded and received like
all other inmates emails.

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COUNT III

1. The following constitutional or other federal civil right has been violated by the Defendant(s):

The Fifth Amendment right to due process

2. Count III involves: (Check **only one**; if your claim involves more than one issue, each issue should be stated in a different count)

☒ Mail ☐ Access to the court ☐ Medical care
☐ Disciplinary proceedings ☐ Property ☐ Exercise of religion ☐ Retaliation
☐ Excessive force by an officer ☐ Threat to safety ☐ Other: _____

3. **Supporting Facts:** (State as briefly as possible the FACTS supporting Count III, without citing legal authority or arguments. Describe exactly what each Defendant did or did not do to violate your rights.)

My legal mail is opened outside of my presence whether incoming or outgoing and I have constantly been denied legal materials that have been sent to me and specifically told I can't receive any legal materials unless it is from this facility

4. **Injury:** (State how you have been injured by Defendant(s)' actions or inactions.)

Several motions I mailed to the court and my standby attorney was never mailed to them which caused me to miss deadlines and prevents me from contacting the news media because they have refused to mail out any of my mail which hinders me from advancing my case and seeking the outside help that I need.

(If you assert more than three Counts, make a copy of this (blank) page and provide the necessary information.)

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D. REQUEST FOR RELIEF

State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.

1. Order FDC to sign for all my outgoing and incoming mail to ensure my mail is delivered and received.
2. Order FDC to allow me to receive all legal material from the outside. ^{28 CFR 543.11}
3. Order FDC to send my emails and forward my incoming emails within 3 hours of them being sent and received like all other inmates.
4. Order FDC to allow my minister to visit me 3 times a week.
5. Order FDC to allow me to print documents from my discovery discs.
6. Order FDC to give me my religious material that was mailed to me by my minister.
7. Order FDC to give me access daily to make copies of my motions.

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

Signed this 21st day of November, 2018.
(month) (year)

Anthony Williams UCC 1-308
 (Signature of Plaintiff)

ADDITIONAL PAGES*(See Exhibit 1)*

All questions must be answered concisely in the proper space on the form. If needed, you may attach no more than **fifteen (15) additional pages**. Number these pages in relation to the final page number of the section that is being extended (i.e. additional defendants' pages should be numbered "2A, 2B, etc.," additional previous lawsuits' pages "4A, 4B, etc.," additional claims should be numbered "7A, 7B, etc.") This form, however, must be completely filled in to the extent applicable.